

THE EFFECTIVE DATE OF THIS ORDINANCE IS JUNE 3, 2008

ORDINANCE NO. 08-14-490

Re: Revision to Adequate Public Facilities Ordinance - Multifamily Developments

RECITALS

On March 6, 2008, the Board of County Commissioners of Frederick County ("BOCC") discussed a text amendment proposed by the Monocacy Land Company, LLC ("Monocacy") concerning "vesting" of APFO approval for multifamily dwelling units. The text amendment was proposed by Monocacy in order to ensure that the developer could record lots upon which multifamily dwellings were to be constructed and thereafter not be required to undergo additional APFO school adequacy testing, if APFO approval expired prior to construction of the dwellings. The BOCC directed Staff to redraft the text amendment and bring it back for further review. On March 27, 2008, the BOCC considered the revised text changes drafted by Staff, and approved sending it through the public hearing process.

On April 30, 2008, the Frederick County Planning Commission held a public hearing on the proposed text amendment and recommended approval.

On June 3, 2008, the BOCC held a public hearing, during which the public had an opportunity to provide comments on this proposal.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND that the following new subsection §1-20-61(J) shall be added to the Frederick County Adequate Public Facilities Ordinance:

(J) (1) A MULTIFAMILY RESIDENTIAL DEVELOPMENT MAY RETAIN ITS APFO SCHOOL ADEQUACY-APPROVAL IF THE MULTIFAMILY RESIDENTIAL DEVELOPMENT SATISFIES BOTH OF THE FOLLOWING REQUIREMENTS:

(a) THE PLANNING COMMISSION HAS PREVIOUSLY GRANTED BOTH SITE PLAN AND APFO APPROVALS FOR THE MULTIFAMILY RESIDENTIAL DEVELOPMENT; AND

(b) PRIOR TO EXPIRATION OF APFO APPROVAL, THE DEVELOPER HAS RECORDED IN THE LAND RECORDS A PLAT OF THE MULTIFAMILY RESIDENTIAL DEVELOPMENT PROPERTY THAT INCLUDES A NOTE INDICATING THE FOLLOWING INFORMATION, ON WHICH THE PLANNING COMMISSION APPROVAL WAS BASED:

- (i) THE NUMBER AND TYPE OF MULTIFAMILY DWELLING UNITS APPROVED, AND
- (ii) THE TOTAL NUMBER OF STUDENTS PROJECTED TO BE GENERATED BY THE MULTIFAMILY RESIDENTIAL DEVELOPMENT.

(2) THE COUNTY ATTORNEY'S OFFICE MUST APPROVE THE LANGUAGE OF THE PLAT NOTE DESCRIBED IN SUBSECTION (J)(1)(b) PRIOR TO PLAT RECORDATION.

(3) THE PLANNING COMMISSION MAY APPROVE A CHANGE IN THE NUMBER AND TYPE OF MULTIFAMILY DWELLING UNITS, SO LONG AS THE TOTAL NUMBER OF STUDENTS PROJECTED TO BE GENERATED BY THE REVISED MULTIFAMILY RESIDENTIAL DEVELOPMENT DOES NOT EXCEED THE TOTAL NUMBER OF STUDENTS STATED IN THE PLAT NOTE DESCRIBED IN SUBSECTION (J)(1)(b).

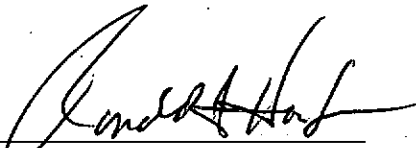
(4) RECORDATION OF A PLAT IN ACCORDANCE WITH THIS SUBSECTION SHALL NOT PREVENT SITE PLAN EXPIRATION.

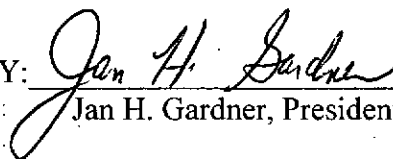
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall apply to subdivision plats recorded on or after June 3, 2008.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 3rd day of June, 2008.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF  
FREDERICK COUNTY, MARYLAND

  
Ronald A. Hart, County Manager

BY:  (SEAL)  
Jan H. Gardner, President

Koorn  
6/10/08